IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 240 of 2004

For Approval and Signature:

THE HON'BLE MR.JUSTICE A.M.KAPADIA

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1	Whether Reporters of Local Papers may be allowed to see the judgment ?
2	To be referred to the Reporter or not ?
3	Whether their Lordships wish to see the fair copy of the judgment ?
4	Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?
5	Whether it is to be circulated to the civil judge ?

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KAMLESHBHAI KANAIYALAL THAKKAR - Petitioner(s)

Versus

NAINESHBHAI SOMESHWAR BHATT &2 - Respondent(s)

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Appearance :

MS SD RAMIfor Petitioner No(s).: 1.

MS SM AHUJA for Respondent No(s).: 1.
MS SNEHA A JOSHI for Respondent No(s).: 2.

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CORAM :THE HON'BLE MR.JUSTICE A.M.KAPADIA

Date : 28/06/2005

ORAL JUDGMENT

1.By filing instant petition under Article 227 of the Constitution of India, the petitioner seeks to challenge the order dated 17.12.2003 recorded below Chamber Summons exh.17 in Civil Suit No. 1513 of 2003 by the Auxiliary Chamber Judge, Court No.3, Ahmedabad by which the application filed by respondent No.1 as a third party to implead him as a co-defendant came to be allowed and thereby he was ordered to be impleaded as a co-defendant.

2.Having heard Ms. S.D.Rami, learned advocate of the petitioner, Ms. S.M.Ahuja, learned advocate of respondent No.1 and Ms. Sneha Joshi, learned advocate for respondent No.2 and on perusal of the impugned order, which does not determine the lis finally between the parties, therefore, it is interlocutory and in passing the said order, no jurisdictional error is committed by the learned Chamber Judge. Therefore, this Court does not deem it expedient to interfere in the order in exercise of powers conferred under Article 227 of the Constitution of India.

3.Hence rejected. Rule is discharged. Interim relief granted at the time of issuance of Rule, stands vacated.

(A.M.Kapadia,J)

Jayanti*